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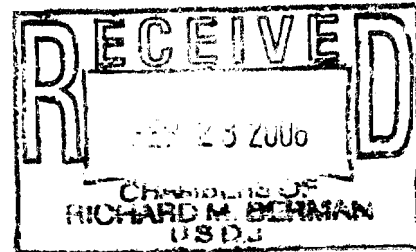
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MEMO ENDORSED

February 28, 2008

By Hand

Hon. Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
40 Centre Street
New York, New York 10007



Re: Guglielmo Pernis v. Richter + Ratner Contracting
Corp., Index No. 07 CV 5787

Dear Judge Berman:

This firm represents defendant Richter + Ratner Contracting Corp. We write concerning defendant's motion to dismiss this action pursuant to Rule 12 FRCP, which was submitted on November 6, 2007.

This action is at present subject to a March 17 discovery cutoff. Yesterday we received notices from the plaintiff to depose four witnesses from the defendant during the week prior to the cutoff date. Defendant's purpose in making a Rule 12 motion is substantially frustrated if depositions must be taken before the Rule 12 motion is decided. We respectfully request, therefore, that the depositions be stayed until ten days after a decision on the Rule 12 motion.

<p>There is NO stay of discovery in place in this case. Proceed with discovery in accordance with the current schedule.</p>	<p>Respectfully submitted, Laura B. Hoguet LH 7483 Richard M. Berman (U.S.D.J.)</p>
<p>Cc: Zeynal Karcioglu, Esq.</p>	
<p>SO ORDERED Date: 2/28/08</p>	

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